

AMENDED IN SENATE MAY 26, 2006

AMENDED IN SENATE APRIL 24, 2006

AMENDED IN SENATE APRIL 5, 2006

## SENATE BILL

**No. 1478**

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### **Introduced by Senator Speier**

(Principal coauthor: Assembly Member Ruskin)

### **(Coauthors: Senators Romero and Scott)**

(Coauthors: Assembly Members Chan, Evans, *Koretz*, Laird, Lieber, and Pavley)

February 23, 2006

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An act to repeal Section 25507.3 of, and to add Article 4 (commencing with Section 25546) to Chapter 6.95 of Division 20 to, the Health and Safety Code, relating to toxic chemicals.

#### LEGISLATIVE COUNSEL'S DIGEST

SB 1478, as amended, Speier. Toxic chemicals: release form.

Existing law authorizes the California Environmental Protection Agency (Cal-EPA) to request any business to submit the information required to be submitted in the toxic chemical release form pursuant to the federal Emergency Planning and Community Right to Know Act of 1986 (EPCRA). Existing law prohibits Cal-EPA from requiring the form from certain businesses or in an amount lower than the applicable threshold amount specified in EPCRA.

This bill would repeal those provisions and would enact the "California Community Right To Know Act of 2006." The act would require the owner or operator of a covered facility, as defined, to complete and submit to Cal-EPA a toxic chemical release form for each toxic chemical that is manufactured, processed, or otherwise

used in quantities exceeding the threshold quantity during the preceding calendar year at the facility.

The bill would define the term “threshold quantity” for purposes of the act as meaning the amount of a toxic chemical specified in the regulations adopted pursuant to EPCRA, as those regulations read on January 1, 2006, or as a lower amount that Cal-EPA would be authorized to establish. The bill would also define the term “toxic chemical” as meaning a substance listed pursuant to those regulations as those regulations read on January 1, 2006, or a chemical that Cal-EPA would be authorized to additionally list as a toxic chemical, pursuant to a specified procedure.

The bill would specify the categories of facilities that are covered facilities subject to the act and would authorize Cal-EPA additionally to include, as a covered facility for purposes of the act, any particular facility that manufactures, processes, or otherwise uses a toxic chemical for which Cal-EPA makes a specified determination.

The bill would require Cal-EPA to adopt, ~~by June 1, 2007~~ *within five months of the operative date of the act*, a toxic chemical release form that would be required to be submitted annually by the owner or operator of a covered facility.

The bill would allow the information provided in a form submitted pursuant to the act to be available to any other state or local agency or member of the public and would require Cal-EPA to establish and maintain a state toxic chemical inventory in a computer database that includes the information submitted pursuant to the act. The bill would provide a procedure with regard to when an owner or operator believes that any information required be reported, submitted, or otherwise provided to Cal-EPA pursuant to the act involves the release of a trade secret.

The bill would authorize Cal-EPA to adopt a schedule of fees to be collected from each owner or operator of a covered facility who is required to submit a form, and would require the fees to be set in an amount sufficient only to pay the costs incurred by Cal-EPA in carrying out the act. The bill would authorize Cal-EPA to expend the fees, upon appropriation by the Legislature, to implement the act.

The bill would require Cal-EPA, when implementing the act, to comply with the requirements of EPCRA with regard to ensuring that any requirement imposed pursuant to the act is no less stringent than, and is not otherwise preempted by, any requirement imposed pursuant to EPCRA. The bill would require Cal-EPA to adopt regulations to

implement the act, and would allow those regulations to impose requirements upon a facility manufacturing or processing a toxic chemical that are in addition to, but no less stringent than, a requirement imposed pursuant to EPCRA by incorporating the regulations adopted pursuant to EPCRA, as those regulations read on January 1, 2006.

The bill would make the owner or operator of a covered facility liable for a civil penalty of not less than \$500 or more than \$5,000 for violating any of the applicable requirements of the act or making any false statement, representation, or certification in any form, record, report, or other document submitted or required to be maintained pursuant to the act.

*The bill would require the Secretary of Cal-EPA to issue a determination no later than 90 days after certain events occur regarding the repeal or revision of EPCRA, the regulations adopted pursuant to EPCRA, or certain administrative actions, that would reduce or make less stringent the federal reporting requirements. The bill would require the secretary, upon making a such a determination, to submit a copy of the determination to the Legislature, including the appropriate committees, and to the Secretary of State. The bill would provide that its provisions would not become operative until 90 days after the date when the secretary submits that determination to the Legislature and the Secretary of State.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 25507.3 of the Health and Safety Code
- 2 is repealed.
- 3 SEC. 2. Article 4 (commencing with Section 25546) is added
- 4 to Chapter 6.95 of Division 20 of the Health and Safety Code, to
- 5 read:
- 6
- 7 Article 4. California Community Right to Know Act of 2006
- 8
- 9 25546. The Legislature finds and declares all of the
- 10 following:
- 11 (a) The federal Emergency Planning and Community Right to
- 12 Know Act of 1986 (EPCRA; Chapter 116 (commencing with

1 Section 11001) of Title 42 of the United States Code), has  
2 dramatically increased the public's knowledge of chemical  
3 emissions and disposal within the United States through its  
4 establishment of the Toxics Release Inventory (TRI).

5 (b) The TRI does not impose mandatory pollution controls on  
6 industry, but instead requires that certain industries report  
7 estimated levels of pollution and disposal of a list of 650  
8 chemical compounds.

9 (c) The TRI reports detail waste disposal and chemical  
10 emissions for facilities that handle at least 10,000 pounds of  
11 certain listed chemicals per year, manufacture at least 25,000  
12 pounds of certain listed chemicals per year, or discharge or  
13 dispose of at least 500 pounds of certain listed chemicals per  
14 year.

15 (d) The TRI is the only source of chemical-specific  
16 information on industrial pollution at the individual facility level  
17 and has been widely credited with spurring voluntary pollution  
18 reductions nationwide.

19 (e) On October 4, 2005, as published in the Federal Register,  
20 the United States Environmental Protection Agency published  
21 proposed regulations and announced its intent to initiate a  
22 rulemaking that would increase the reporting threshold and  
23 decrease the reporting frequency of all chemicals in the TRI (70  
24 FR 57822 and 70 FR 57871).

25 (f) EPCRA preserves the right of states to adopt chemical  
26 reporting requirements that are more stringent than comparable  
27 federal requirements.

28 (g) This article's purpose is to ensure that future federal  
29 actions to weaken federal chemical reporting rules do not  
30 negatively impact Californians' access to information regarding  
31 their exposure to potentially harmful chemicals in their  
32 environment.

33 25546.1. This article shall be known, and may be cited as, the  
34 "California Community Right to Know Act of 2006."

35 25546.2. For purposes of this article, the following definitions  
36 shall apply:

37 (a) "Agency" means the California Environmental Protection  
38 Agency or the state agency, department, board, or office that is  
39 delegated the authority to implement this article pursuant to  
40 subdivision (c) of Section 25546.3.

1 (b) “Environment” means water, air, and land and the  
2 interrelationship that exists among and between water, air, and  
3 land and all living things.

4 (c) “Covered facility” means a facility that meets the  
5 qualifications specified in Section 25546.4 or is designated by  
6 the agency pursuant to Section 25546.5.

7 (d) “Distribution in commerce” means the sale or offering for  
8 sale, in this state, of a toxic chemical or an article containing a  
9 toxic chemical.

10 (e) “Facility” means all buildings, equipment, structures, and  
11 other stationary items that are located on a single site or on  
12 contiguous or adjacent sites and that are owned or operated by  
13 the same person, or by any person who controls, is controlled by,  
14 or under common control with, that person.

15 (f) “Federal act” means the federal Emergency Planning and  
16 Community Right to Know Act of 1986 (EPCRA; Chapter 116  
17 (commencing with Section 11001) of Title 42 of the United  
18 States Code).

19 (g) “Federal regulations” means the regulations adopted by the  
20 United States Environmental Protection Agency pursuant to the  
21 ~~federal act, that are found in Subpart B (commencing with~~  
22 ~~Section 372.22) of, and Subpart D (commencing with Section~~  
23 ~~372.65) of, Part 372 federal act, as found in Part 372~~  
24 ~~(commencing with Section 372.1) of Subchapter J of Chapter 1 of~~  
25 Title 40 of the Code of Federal Regulations, as those regulations  
26 read on January 1, 2006, and not as those regulations may be  
27 subsequently amended, revised, or repealed after that date, except  
28 as provided in Section 25546.12.

29 (h) “Manufacture” means to produce, prepare, import into the  
30 state, or compound a toxic chemical.

31 (i) “Operator” means a person responsible for the overall  
32 operation of a facility.

33 (j) “Owner” means a person who owns a facility or part of a  
34 facility.

35 (k) “Person” means an individual, trust, firm, joint stock  
36 company, business concern, partnership, limited liability  
37 company, association, and corporation, including, but not limited  
38 to, a government corporation. “Person” also includes any city,  
39 county, district, commission, the state or any department, agency,  
40 or political subdivision thereof, any interstate body, and the

1 federal government or any department or agency of the federal  
2 government to the extent permitted by law.

3 (l) “Process” means the preparation of a toxic chemical, after  
4 its manufacture, for distribution in commerce, in one of the  
5 following:

6 (1) In the same form or physical state as, or in a different form  
7 or physical state from, that in which it was received by the person  
8 so preparing that chemical.

9 (2) As part of an article containing the toxic chemical.

10 (m) “Release” means any spilling, leaking, pumping, pouring,  
11 emitting, emptying, discharging, injecting, escaping, leaching,  
12 dumping, or disposing into the environment, including the  
13 abandonment or discarding of barrels, containers, and other  
14 closed receptacles, of any toxic chemical.

15 (n) “SIC Code” means the identification number assigned by  
16 the Standard Industrial Classification Code to specific types of  
17 businesses pursuant to the Standard Industrial Classification  
18 Manual published by the United States Office of Management  
19 and Budget, 1987 edition.

20 (o) “Secretary” means the Secretary for Environmental  
21 Protection.

22 (p) “Threshold quantity” means either of the following:

23 (1) The amount of a toxic chemical specified in Sections  
24 372.25, 372.27, and 372.28 of Title 40 of the Code of Federal  
25 Regulations as those regulations read on January 1, 2006, and not  
26 as those regulations may be subsequently amended, revised, or  
27 repealed after that date, except as provided in Section 25546.12.

28 (2) The amount established by the agency pursuant to Section  
29 25546.7.

30 (q) “Toxic chemical” means either of the following:

31 (1) A substance listed pursuant to Subpart D (commencing  
32 with Section 372.65) of Part 372 of Subchapter J of Chapter 1 of  
33 Title 40 of the Code of Federal Regulations, as those regulations  
34 read on January 1, 2006, and not as those regulations may be  
35 subsequently amended, revised, or repealed after that date, except  
36 as provided in Section 25526.12.

37 (2) A chemical listed by the agency pursuant to Section  
38 25546.6.

1 (r) “Toxic chemical release form” or “form” means the toxic  
2 chemical release form adopted by the agency pursuant to Section  
3 25546.8.

4 25546.3. (a) The owner or operator of a covered facility shall  
5 complete a toxic chemical release form adopted pursuant to  
6 Section 25546.8 for each toxic chemical that was manufactured,  
7 processed, or otherwise used in quantities exceeding the  
8 threshold quantity during the preceding calendar year at the  
9 facility.

10 ~~(b) On or before July 1, 2007, and on or before each July 1~~

11 *(b) On or before six months after the operative date of this*  
12 *article, and on or before each subsequent July 1 annually*  
13 *thereafter, the owner or operator of a covered facility shall*  
14 *submit to the agency the form completed pursuant to subdivision*  
15 *(a), including any fee set pursuant to Section 25546.11.*

16 (c) The secretary may designate another state agency,  
17 department, board, or office to implement this article.

18 25546.4. (a) For purposes of this article, a facility is a  
19 covered facility if the facility meets both of the following  
20 requirements:

21 (1) The facility has 10 or more full-time employees and is  
22 engaged in an activity found in SIC Codes 20 to 39, inclusive,  
23 pursuant to the Standard Industrial Classification Manual  
24 published by the United States Office of Management and  
25 Budget, 1987 edition.

26 (2) The facility manufactures, processes, or otherwise uses a  
27 toxic chemical listed in excess of the threshold quantity for that  
28 toxic chemical during the calendar year for which a form is  
29 required under this article.

30 (b) The agency may include activities described by SIC Codes,  
31 in addition to those specified in paragraph (1) of subdivision (b),  
32 but only to the extent that the additional SIC Codes are relevant  
33 to the purposes of this article.

34 25546.5. In addition to the facilities subject to Section  
35 25546.4, the agency may additionally include, as a covered  
36 facility for purposes of this article, any particular facility that  
37 manufactures, processes, or otherwise uses a toxic chemical for  
38 which the agency determines that this action is warranted based  
39 on the toxicity of the toxic chemical, proximity of that facility to  
40 other facilities that release the toxic chemical or to population

1 centers, the history of releases of that toxic chemical at the  
2 facility, or any other factor that the agency deems appropriate.

3 25546.6. (a) In addition to a substance listed pursuant to  
4 paragraph (1) of subdivision (q) of Section 25546.2, the agency  
5 may list other chemicals as a toxic chemical for purposes of this  
6 article if the agency determines there is sufficient evidence to  
7 establish any one of the following:

8 (1) The chemical is known to cause, or can reasonably be  
9 anticipated to cause, significant adverse acute human health  
10 effects at concentration levels that are reasonably likely to exist  
11 beyond facility site boundaries as a result of continuous, or  
12 frequently recurring, releases.

13 (2) The chemical is known to cause or can reasonably be  
14 anticipated to cause, in humans, any of the following:

15 (A) Cancer or teratogenic effects.

16 (B) Serious or irreversible reproductive dysfunctions,  
17 neurological disorders, or heritable genetic mutations.

18 (C) Chronic health effects, other than those specified in  
19 subparagraph (A) or (B).

20 (3) The chemical is known to cause, or can reasonably be  
21 anticipated to cause, because of its toxicity, its toxicity and  
22 persistence in the environment, or its toxicity and tendency to  
23 bioaccumulate in the environment, a significant adverse effect on  
24 the environment of sufficient seriousness to require reporting  
25 under this article.

26 (b) Of the total amount of toxic chemicals listed pursuant to  
27 this section, the agency may list a chemical pursuant to paragraph  
28 (3) of subdivision (a) only if those chemicals do not constitute in  
29 the aggregate more than 25 percent of the total number of toxic  
30 chemicals listed pursuant to this section.

31 (c) The agency shall make any determination pursuant to this  
32 section based on generally accepted scientific principles or  
33 laboratory tests, or appropriately designed and conducted  
34 epidemiological or other population studies, available to the  
35 agency.

36 (d) The agency may delete a chemical listed pursuant to this  
37 section if the agency determines the toxic chemical does not meet  
38 the criteria specified in subdivision (a).

39 (e) Any revision to the list of toxic chemicals made by the  
40 agency on or after January 1, and before December 1 of any



1 calendar year shall take effect beginning with the next calendar  
2 year. Any revision to the list of toxic chemicals made by the  
3 agency on or after December 1 of any calendar year and before  
4 January 1 of the next calendar year shall take effect beginning  
5 with the calendar year following the next calendar year.

6 (f) A person may petition the agency to list a toxic chemical  
7 pursuant to this section or to delete a toxic chemical from that list  
8 on the basis of the criteria specified in paragraph (1) or (2) of  
9 subdivision (a). Within 180 days after receiving a petition, the  
10 agency shall take one of the following actions:

11 (1) Adopt a regulation to add or delete the chemical to the list,  
12 in accordance with this section.

13 (2) Issue a written determination explaining why the petition is  
14 denied.

15 25546.7. The agency may establish a threshold quantity for a  
16 toxic chemical that is less than a threshold quantity established  
17 pursuant to the federal regulations. In establishing a lower  
18 threshold quantity, the agency shall ensure that this revised  
19 threshold quantity will provide for the reporting of a substantial  
20 majority of total releases of the toxic chemical at all covered  
21 facilities subject to this article. The agency may establish a lower  
22 threshold quantity under this section for a class of toxic  
23 chemicals or a category of facilities.

24 25546.8. (a) On or before ~~June 1, 2007~~ *five months after the*  
25 *operative date of this article*, the agency shall adopt a toxic  
26 chemical release form that shall be submitted annually by the  
27 owner or operator of a covered facility. If the agency does not  
28 adopt a form on or before ~~June 1, 2007~~ *that date*, the owner or  
29 operator of a covered facility shall provide the information  
30 required pursuant to subdivision (b) by a letter postmarked on or  
31 before the date on which the form is due.

32 (b) The form adopted by the agency pursuant to this section  
33 shall include all of the elements required by Section 372.85 of  
34 Subpart E of Part 372 of Subchapter J of Chapter 1 of Title 40 of  
35 the Code of Federal Regulations, as those regulations read on  
36 January 1, 2006, including, but not limited to, all of the  
37 following:

38 (1) The name and location of, and principal business activities  
39 at, the facility.

1 (2) An appropriate certification, signed by a senior official  
2 with management responsibility for the person or persons  
3 completing the report, regarding the accuracy of the information  
4 provided in the form.

5 (3) The submission of each of the following items of  
6 information for each listed toxic chemical known to be present at  
7 the facility:

8 (A) Whether the toxic chemical at the facility is manufactured,  
9 processed, or otherwise used, and the general category of use of  
10 the chemical.

11 (B) An estimate of the maximum amounts, in ranges, of the  
12 toxic chemical present at the facility at any time during the  
13 preceding calendar year.

14 (C) For each hazardous or solid waste, the waste treatment, or  
15 disposal methods employed, and an estimate of the treatment  
16 efficiency typically achieved by those methods for that waste.

17 (D) The annual quantity of the toxic chemical entering each  
18 environmental medium.

19 (c) The form shall allow the owner or operator, when  
20 providing the information required under this section, to use  
21 readily available data, including monitoring data, collected  
22 pursuant to other provisions of law, or, if those data are not  
23 readily available, reasonable estimates of the amounts involved.  
24 The form shall not require the owner or operator to conduct any  
25 monitoring or take any measurements of the quantities,  
26 concentration, or frequency, of any toxic chemical released into  
27 the environment that is not otherwise required to be conducted  
28 under another provision of state or federal law or regulation.

29 (d) The agency shall require that the data in the form be  
30 expressed in common units to assure consistency.

31 25546.9. (a) Except as provided in Section 25546.10, the  
32 agency shall make the information provided in a form submitted  
33 pursuant to this article available to any other state or local agency  
34 or member of the public, including, but not limited to, a resident  
35 of a community surrounding or adjacent to, a covered facility.  
36 The agency shall make the information in the form available to  
37 inform persons about releases of toxic chemicals into the  
38 environment, to assist state and local agencies, researchers, and  
39 other persons in the conduct of research and data gathering, to

1 aid in the development of appropriate regulations, guidelines, and  
2 standards, and for any other similar purpose.

3 (b) The agency shall establish and maintain a state toxic  
4 chemical inventory in a computer database that includes the  
5 information submitted pursuant to this article. *At a minimum, the*  
6 *database shall allow a member of the public to search for data*  
7 *based on facility name, chemical, and geographic location of*  
8 *interest.* The agency shall make the database accessible by  
9 computer telecommunication and other means to any person on a  
10 cost reimbursable basis.

11 25546.10. (a) (1) If an owner or operator believes that any  
12 information required be reported, submitted, or otherwise  
13 provided to the agency pursuant to this article involves the  
14 release of a trade secret, the owner or operator shall provide the  
15 information to the agency and shall notify the agency in writing  
16 of that belief. Upon receipt of a claim of trade secret, the agency  
17 shall review the claim and shall segregate properly substantiated  
18 trade secret information from information that shall be made  
19 available to the public upon request in accordance with the  
20 California Public Records Act (Chapter 3.5 (commencing with  
21 Section 6250) of Division 7 of Title 1 of the Government Code).

22 (2) As used in this section, “trade secret” has the same  
23 meaning as defined in subdivision (d) of Section 6254.7 of the  
24 Government Code and in Section 1060 of the Evidence Code.

25 (b) Except as otherwise specified in this section, the agency  
26 may not disclose any properly substantiated trade secret that is so  
27 designated by the owner or operator.

28 (c) The agency may disclose a trade secret received by the  
29 agency pursuant to this article to an authorized officer or  
30 employee of another governmental agency only in connection  
31 with the official duties of that officer or employee pursuant to  
32 any law for the protection of health and safety.

33 (d) An officer or employee or former officer or employee of  
34 the agency or any other government agency who, because of that  
35 employment or official position, has possession of, or access to,  
36 information designated as a trade secret pursuant to this section  
37 shall not knowingly and willfully disclose the information in any  
38 manner to a person not authorized to receive the information  
39 pursuant to this section.

1 (e) Any information prohibited from disclosure pursuant to  
2 any federal statute or regulation shall not be disclosed.

3 (f) This section does not authorize an owner or operator to  
4 refuse to disclose to the agency any information required  
5 pursuant to this article.

6 (g) (1) If the agency receives a request for the release of  
7 information to the public that includes information that the owner  
8 or operator has notified the agency is a trade secret pursuant to  
9 subdivision (a), the agency shall notify the owner or operator  
10 source in writing of the request by certified mail, return receipt  
11 requested. The owner or operator shall provide the agency with  
12 any materials or information that supplements the information  
13 submitted pursuant to subdivision (a) and substantiates the claim  
14 of a trade secret within 30 days of the date that the owner or  
15 operator receives that notice from the agency. The agency shall  
16 review the owner's or operator's claim of trade secret and shall  
17 determine whether the claim is properly substantiated.

18 (2) The agency shall inform the owner or operator in writing,  
19 by certified mail, return receipt requested, of any determination  
20 by the agency that some, or all, of a claim of trade secret has not  
21 been substantiated. Not earlier than 30 days after the receipt by  
22 an owner or operator of that notice of determination, the agency  
23 shall release the information that is not determined to be a trade  
24 secret to the public, unless, prior to the expiration of the 30-day  
25 period, the owner or operator files an action in an appropriate  
26 court for a declaratory judgment that the information is subject to  
27 protection under subdivision (b) or for an injunction prohibiting  
28 disclosure of the information to the public, and promptly notifies  
29 the agency of that action.

30 25546.11. The agency shall adopt a schedule of fees to be  
31 collected from each owner or operator of a covered facility  
32 required to submit a form pursuant to this article. The fees shall  
33 be set in an amount sufficient only to pay the costs incurred by  
34 the agency in carrying out this article. The agency may expend  
35 the fees, upon appropriation by the Legislature, to implement this  
36 article.

37 25546.12. (a) Notwithstanding any other provision of this  
38 article, the agency shall, when implementing this article, comply  
39 with the requirements of the federal act with regard to ensuring  
40 that any requirement imposed pursuant to this article is no less

1 stringent than, and is not otherwise preempted by, any  
2 requirement imposed pursuant to the federal act.

3 (b) The agency shall adopt regulations to implement this  
4 article. ~~The regulations may impose requirements upon a facility~~  
5 ~~manufacturing or processing a toxic chemical that are in addition~~  
6 ~~to, but no less stringent than, a requirement imposed pursuant to~~  
7 ~~the federal act.~~ *article by incorporating the federal regulations*  
8 *found in Part 372 (commencing with Section 372.1) of*  
9 *Subchapter J of Chapter 1 of Title 40 of the Code of Federal*  
10 *Regulations, as those regulations read on January 1, 2006.*

11 25546.13. (a) The owner or operator of a covered facility  
12 shall be liable for a civil penalty of not less than five hundred  
13 dollars (\$500) or more than five thousand dollars (\$5,000) for  
14 each day of violation for any of the following violations:

15 (1) Violation of any of the applicable requirements of this  
16 article.

17 (2) Making any false statement, representation, or certification  
18 in any form, report, or other document submitted or required to  
19 be maintained pursuant to this article.

20 (b) The agency may waive the imposition of a civil penalty  
21 pursuant to this section if the agency determines the violation  
22 was the result of circumstances beyond the reasonable control of  
23 the owner or operator.

24 25546.14. (a) *The secretary shall issue a determination no*  
25 *later than 90 days after any of the following occur:*

26 (1) *The effective date of any change made to the federal act to*  
27 *repeal the federal act or otherwise lessen or make less stringent*  
28 *any requirement imposed pursuant to the federal act.*

29 (2) *The effective date that any regulation adopted pursuant to*  
30 *the federal act is repealed, amended, or otherwise revised so as*  
31 *to make the regulation less stringent or to reduce or lessen any*  
32 *reporting requirement imposed pursuant to that regulation.*

33 (3) *The effective date of any administrative action taken*  
34 *pursuant to the federal act, by an agency of the federal*  
35 *government, to reduce or make less stringent any reporting*  
36 *requirements imposed pursuant to the federal act or the*  
37 *regulations adopted pursuant to the federal act.*

38 (b) *Upon making a determination pursuant to subdivision (a),*  
39 *the secretary shall submit a copy of the determination to the*

1 *Legislature, including the appropriate committees, and to the*  
2 *Secretary of State.*

3 *(c) This act shall not become operative until 90 days after the*  
4 *date when the secretary submits a determination pursuant to*  
5 *subdivision (b) to the Legislature, and to the Secretary of State.*

6 *SEC. 3. Section 1 of this act shall not become operative until*  
7 *the operative date of the California Community Right To Know*  
8 *Act of 2006 (Article 4 (commencing with Section 25546) of*  
9 *Chapter 6.95 of Division 20 of the Health and Safety Code), as*  
10 *proposed to be enacted by Section 2 of this act.*